

1  
2  
3  
4  
5  
6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
8

9 Salwinder Singh,

10 Petitioner,

11 v.

12 Secretary of the Department of  
13 Homeland Security, et al.,

14 Respondents.

No. CV-16-0790-PHX-DJH (DKD)

**REPORT AND RECOMMENDATION**

15 TO THE HONORABLE DIANE J. HUMETEWA, U.S. DISTRICT JUDGE:

16 Salwinder Singh filed an Amended Petition for Writ of Habeas Corpus pursuant to  
17 28 U.S.C. § 2241 arguing that he is eligible for a bond hearing and asking for a second  
18 credible fear hearing. (Doc. 4) Respondents have informed the Court that Singh had a  
19 bond hearing and has been released from custody. (Doc. 12-1) Respondents further  
20 argue that this Court does not have jurisdiction to order a second credible fear hearing.  
21 (Doc. 9 a 4-10) The Court agrees. Thus, Singh has received all of the relief that this  
22 Court could have ordered.

23 **IT IS THEREFORE RECOMMENDED** that Salwinder Singh's Amended  
24 Petition for Writ of Habeas Corpus be **dismissed as moot**.

25 This recommendation is not an order that is immediately appealable to the Ninth  
26 Circuit Court of Appeals. Any notice of appeal pursuant to Rule 4(a)(1), Federal Rules  
27 of Appellate Procedure, should not be filed until entry of the district court's judgment.  
28 The parties shall have fourteen days from the date of service of a copy of this

1 recommendation within which to file specific written objections with the Court. *See*, 28  
2 U.S.C. § 636(b)(1); Rules 72, 6(a), 6(b), Federal Rules of Civil Procedure. Thereafter,  
3 the parties have fourteen days within which to file a response to the objections. Failure  
4 timely to file objections to the Magistrate Judge's Report and Recommendation may  
5 result in the acceptance of the Report and Recommendation by the district court without  
6 further review. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9<sup>th</sup> Cir. 2003).  
7 Failure timely to file objections to any factual determinations of the Magistrate Judge will  
8 be considered a waiver of a party's right to appellate review of the findings of fact in an  
9 order or judgment entered pursuant to the Magistrate Judge's recommendation. *See* Rule  
10 72, Federal Rules of Civil Procedure.

11 Dated this 13th day of October, 2016.

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



---

David K. Duncan  
United States Magistrate Judge